

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

In re Terrorist Attacks on September 11, 2001	03 MDL 1570 (GBD)(SN)
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This document relates to:

Estate of John P. O'Neill, Sr., et al. v. The Republic of Iraq, et al., 04-cv-1076 (GBD)(SN)

**PLAINTIFFS' NOTICE OF MOTION FOR FINAL JUDGMENT AS TO LIABILITY
FOR ADDITIONAL *O'NEILL* PLAINTIFFS AS AGAINST THE TALIBAN AND FOR
PARTIAL FINAL DAMAGES JUDGMENTS AGAINST THE TALIBAN FOR MOVING
PLAINTIFFS**

PLEASE TAKE NOTICE that upon the accompanying Memorandum of Law, the Declaration of Jerry S. Goldman, Esq. with the exhibits appended and tendered (the "Goldman Declaration"), and all prior proceedings in the MDL, all plaintiffs in Exhibit A-1 and Exhibit B-1 ("Additional *O'Neill* Plaintiffs"),¹ by and through undersigned counsel, respectfully move this Court for an ORDER:

- (1) extending the Court's Order at ECF No. 3067 granting a judgment as to liability for the members of the O'Neill family, to the Additional *O'Neill* Plaintiffs;
- AND,
- (2) granting the Additional *O'Neill* Plaintiffs' motion for entry of default judgment as to liability against the Taliban; AND,
- (3) determining that service of process in the above-captioned matter was properly effected upon the Taliban for the Additional *O'Neill* Plaintiffs; AND,

¹ Plaintiffs in Exhibit A-1 and Exhibit B-1 were added to the Fourth Amended First Consolidated Complaint against the Taliban on September 1, 2022. ECF No. 8486. Because Plaintiffs were not named on a complaint in the above-captioned action on August 25, 2022, when we requested that the prior liability determination for members of the O'Neill family be "extended to all other Plaintiffs in the above-captioned matter," *see* ECF No. 8455, out of an abundance of caution, we are now requesting a liability determination for the Plaintiffs in Exhibit A-1 and Exhibit B-1.

(4) determining that this Court possesses personal jurisdiction over the Taliban for the Additional *O'Neill* Plaintiffs; AND,

(5) determining that this Court has subject-matter jurisdiction over the Taliban for the Additional *O'Neill* Plaintiffs.

PLEASE TAKE FURTHER NOTICE that upon the accompanying Memorandum of Law, the Goldman Declaration, and all prior proceedings in the MDL, all plaintiffs in Exhibit A-1, Exhibit A-2 (Exhibit A-1 and Exhibit A-2 are collectively referred to as “Exhibits A”), Exhibit B-1, and Exhibit B-2² (Exhibit B-1 and Exhibit B-2 are collectively referred to as “Exhibits B”) to the Goldman Declaration (Plaintiffs in Exhibits A and Exhibits B are collectively referred to as “Moving Plaintiffs”),³ by and through undersigned counsel, respectfully move this Court for an ORDER:

(1) finding the Taliban jointly and severally liable with the Islamic Republic of Iran (“Iran”) and awarding damages judgments to Moving Plaintiffs identified in Exhibits A and Exhibits B, against the Taliban in the same amounts previously awarded by this Court to various similarly situated plaintiffs in *Burnett*, *Havlish*, *Ashton*, *Bauer*, *O'Neill*, and other cases against Iran (subject to trebling damages as indicated below); AND,

(2) awarding solatium damages to those Moving Plaintiffs identified in Exhibits A in the amounts of \$12,500,000 per spouse, \$8,500,000 per parent, \$8,500,000 per child, and \$4,250,000 per sibling, as set forth in Exhibits A; AND,

² Our request for an order of liability for all plaintiffs in the judgment motion at ECF No. 8455 (August 25, 2022) included the Plaintiffs in Exhibit A-2 and Exhibit B-2. The relief requested herein is contingent on the granting of the motion at ECF No. 8455.

³ Moving Plaintiffs were not previously granted judgments against Iran for the damages sought herein and do not have a pending judgment motion against Iran.

(3) awarding the estates of the 9/11 decedents, through the personal representatives and on behalf of all survivors and all legally entitled beneficiaries and family members of such 9/11 decedents, as identified by the Moving Plaintiffs set forth in Exhibits B, compensatory damages for pain and suffering in the same per estate amount previously awarded by this Court regarding other estates of decedents killed in the September 11th Attacks, as set forth in Exhibits B; AND,

(4) awarding compensatory damages to those Moving Plaintiffs identified in Exhibits B for decedents' pain and suffering in an amount of \$2,000,000 per estate, as set forth in Exhibits B; AND,

(5) awarding the estates of the 9/11 decedents, through their personal representatives and on behalf of all survivors and all legally entitled beneficiaries and family members of such 9/11 decedents, as identified in Exhibits B, an award of economic damages in the amounts as set forth in Exhibits B; AND,

(6) awarding treble damages pursuant to the Anti-Terrorism Act, 18 U.S.C. § 2333(a), for solatium, economic and non-economic damages, in the amounts set forth in Exhibits A and Exhibits B; AND,

(7) finding that the treble damages awarded are compensatory in nature and not punitive; AND

(8) awarding the Moving Plaintiffs prejudgment interest at the rate of 4.96 percent per annum, compounded annually for the period from September 11, 2001 until the date of the judgment for damages; AND,

(9) granting the Moving Plaintiffs permission to seek punitive damages, economic damages, and other appropriate damages, at a later date; AND,

(10) granting permission for all other Plaintiffs not appearing in Exhibits A and Exhibits B to submit applications for damages awards in later stages, to the extent such awards have not previously been addressed; AND,

(11) granting to the Plaintiffs such other and further relief as this honorable court deems just and proper.

Dated: New York, New York
September 29, 2022

Respectfully submitted,

/s/ Jerry S. Goldman

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